

# REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 CFR 1.53(d) (former Rule 1.62)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 08/702,525	PRIOR APPLICATION FILING DATE: FEBRUARY 7, 1997
BWI-120CPUSCPA	CLASS: 435	SUBCLASS:	EXAMINER: P. GAMBEL	ART UNIT: 1644

ASSISTANT COMMISSIONER FOR PATENTS  
BOX CPA  
WASHINGTON, DC 20231

## CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: September 8, 1999 Mailing Label Number: EL 266 741 034 US

I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231.

Viriato G. Cardoso  
Name of Person Mailing Paper

Viriato G. Cardoso  
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(d), of pending prior application serial no. 08/702,525 filed on February 7, 1997, entitled NUCLEIC ACID MOLECULES ENCODING NOVEL FORMS OF T CELL COSTIMULATORY MOLECULES THAT BIND TO CD28 OR CTLA4 AND USES THEREFOR which was filed by the following named inventor(s).

<u>FULL NAME OF INVENTOR</u> Arlene H. Sharpe	<u>RESIDENCE ADDRESS</u> 305 Walnut Street, Brookline, Massachusetts 02146	<u>CITIZENSHIP</u> United States of America
<u>POST OFFICE ADDRESS</u>		
<u>FULL NAME OF INVENTOR</u> Francescopaolo Borriello	<u>RESIDENCE ADDRESS</u> 20 Perry Street, Apartment #3, Brookline, Massachusetts 02146	<u>CITIZENSHIP</u> United States of America
<u>POST OFFICE ADDRESS</u>		
<u>FULL NAME OF INVENTOR</u> Gordon J. Freeman	<u>RESIDENCE ADDRESS</u> 305 Walnut Street, Brookline, Massachusetts 02146	<u>CITIZENSHIP</u> United States of America
<u>POST OFFICE ADDRESS</u>		
<u>FULL NAME OF INVENTOR</u> Lee M. Nadler	<u>RESIDENCE ADDRESS</u> 36 Cross Hill Road, Newton, Massachusetts 02159	<u>CITIZENSHIP</u> United States of America
<u>POST OFFICE ADDRESS</u>		

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The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this Continued Prosecution Application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☒ This application discloses only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
  - ☒ the same, or
  - ☐ less than those named in the prior application. Please delete the following named inventors:
2. ☒ Enter the amendment previously filed on June 8, 1999 under 37 CFR 1.116 but unentered, in the prior application.
3. ☒ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

*CPA filing fee should be*

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	<u>36</u>	MINUS **	20	= <u>16</u>
INDEP.	<u>14</u>	MINUS ***	3	= <u>11</u>
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 39 =	\$0.00
+130 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	<u>388</u>
x 78 =	<u>858</u>
+ 260 =	\$0.00
BASIC FEE	\$760.00
TOTAL	<u>1706</u>

4. ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayments, associated with this communication, to Deposit Account No. 12-0080. For this purpose a duplicate of this document is enclosed.
5. ☐ A verified statement claiming small entity status was filed in the parent application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and is still deemed proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.
6. ☒ A check in the amount of \$760.00 is enclosed for payment of the filing fee.
7. ☒ Priority of application Serial No. 08/205,697, filed on March 2, 1994, in United States of America, is claimed under 35 U.S.C. 119.
8. ☐ The prior application is assigned of record to: \_\_\_\_\_; recorded \_\_\_\_\_, Reel \_\_\_\_\_ Frame \_\_\_\_\_.
9. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
10. ☒ A request for a 1 month extension of time has been submitted in the parent application, Serial No. 08/702,525, in order to establish copendency with the present application (a copy of the request for extension is enclosed).
11. ☐ Also enclosed:

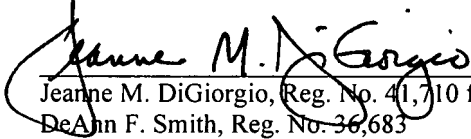
12. ☒ Address all future communications (may only be completed by applicant or attorney or agent of record) to Giulio A. DeConti, Esq. at **Customer No. 000959**, whose address is:

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the application in the file wrapper of a 37 CFR 1.53(d) application be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

September 8, 1999

Date

  
\_\_\_\_\_  
Jeanne M. DiGiorgio, Reg. No. 41,710 for  
DeAnn F. Smith, Reg. No. 36,683

☐ Inventor(s)

☒ Attorney or Agent of Record